

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

Based upon the court's de novo review of those portions of the magistrate judge's Report to which the defendant objected, it is **ADJUDGED AND ORDERED** as follows:

1. The objections are OVERRULED;
1. The Report and its findings and recommendations are wholly ACCEPTED and APPROVED;
2. The motions for summary judgment by the parties are DENIED;
3. The final decision of the Commissioner of Social Security is VACATED and this action is REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further consideration in accord with the Report; and
4. The clerk will close this case.

ENTER: April 18, 2011

/s/ JAMES P. JONES
United States District Judge